

EXHIBIT 3

ATTACHMENT 1 TO SETTLEMENT AGREEMENT

The parties have agreed in Section VII.A of the Settlement Agreement that Settling Defendants shall be entitled to a pro rata reduction in the contribution to the Settlement Fund in the event that more than 10% of Class Members properly exclude themselves from the Settlement Class pursuant to the terms approved by the Court and described in the Class Notice. Settling Defendants shall have the option, at their discretion, to withdraw from the Settlement in the event that more than 20% of Class Members properly exclude themselves from the Settlement Class, which decision must be made by Settling Defendants no more than seven (7) days after the later of (a) the opt out deadline or (b) the class notice administrator having confirmed that a sufficient number of Class Members have properly excluded themselves from the Class to trigger this provision. These numbers are submitted to the Court under seal, and are intended to be kept in confidence.